

Assembly Bill No. 965

CHAPTER 864

An act to add and repeal Section 101.10 of the Streets and Highways Code, relating to highways.

[Approved by Governor October 13, 2001. Filed
with Secretary of State October 14, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 965, Mountjoy. Highways: victim signs.

Existing law restricts the placement and maintenance of signs along the highways.

This bill would require, until January 1, 2007, that the Department of Transportation design, place, and maintain, or cause to be designed, constructed, placed, and maintained, along state highways, signs that read as follows: "Please Don't Drink and Drive" followed by: "In Memory of (victim's name)." These signs would be required to be placed, subject to placement guidelines of the department, upon the state highways in close proximity to the location where a vehicular accident occurred and a party to that accident was convicted of operating a vehicle in violation of certain provisions prohibiting the driving of a motor vehicle while under the influence of alcohol or drugs, at the time of the accident, or where the party was driving in violation of those provisions, but was not prosecuted for specified reasons.

The bill would provide that, upon the request of an immediate family member, as defined, of the deceased victim of an accident occurring on and after January 1, 1991, and described above, or upon the request of a party who has obtained the written consent of an immediate family member, the department shall place the sign and charge the requesting party a fee to cover the department's costs in designing, constructing, placing, and maintaining that sign and the department's administrative costs in implementing these provisions. The bill would prohibit the department from placing a sign if a member of the immediate family objects.

The bill would require the department to evaluate the program and report its findings and recommendations to the Legislature by January 1, 2006.

The people of the State of California do enact as follows:

SECTION 1. Section 101.10 is added to the Streets and Highways Code, to read:

101.10. (a) (1) The department shall design, construct, place, and maintain, or cause to be designed, constructed, placed, and maintained, along state highways, signs that read as follows: “Please Don’t Drink and Drive,” followed by: “In Memory of (victim’s name).” These signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing. Signs may memorialize more than one victim. “Victim” for purposes of this section means a person who was killed in a vehicular accident, but does not include a party described in paragraph (2) of subdivision (c).

(2) The department shall adopt program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

(b) If the placement at the location of a vehicular accident is safe and practical and the conditions of subdivisions (c) and (d) are met, the department shall place a sign described in subdivision (a) in close proximity to the location where the vehicular accident occurred.

(c) (1) A party to that accident was convicted of any of the following:

(A) Murder of the second degree under Section 187, and the violation was a direct result of driving a vehicle while in violation of Section 23152 or 23153 of the Vehicle Code.

(B) Gross vehicular manslaughter while intoxicated under subdivision (a) of Section 191.5 of the Penal Code.

(C) Vehicular manslaughter under paragraph (3) of subdivision (c) of Section 192.

(2) A party to that accident operated a vehicle involved in the vehicular accident in violation of Section 23152 or 23153 of the Vehicle Code, but died in the accident or was not prosecuted because he or she is found mentally incompetent pursuant to Section 1367 of the Penal Code.

(d) (1) Upon the request of an immediate family member of the deceased victim involved in an accident occurring on and after January 1, 1991, and described in subdivision (b), the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an

immediate family member. The department shall charge the requesting party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. The sign shall be posted for seven years from the date of initial placement, or until the date the department determines that the condition of the sign has deteriorated to the point that it is no longer serviceable, whichever date is first.

(2) "Immediate family" means spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

(3) If there is any opposition to the placement of the memorial sign by a member of the immediate family, no sign shall be placed pursuant to this section.

(e) The department shall prepare an evaluation of the program authorized by this section and shall report its findings and any related recommendations to the Legislature by January 1, 2006.

(f) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

